UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,637	10/26/2001	David C. Robinson	D/A0613Q	1407

62095   7590   05/16/2007
FAY SHARPE / XEROX - ROCHESTER
1100 SUPERIOR AVE.
SUITE 700
CLEVELAND, OH 44114

EXAMINER
ROHWER, JACOB P

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
05/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 February 2007</u>.

2a)☒ This action is FINAL.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10,11 and 28-38* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10,11 and 28-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02 December 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225

USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA

1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*,

418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be

used to overcome an actual or provisional rejection based on a nonstatutory double

patenting ground provided the conflicting application or patent is shown to be commonly

owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with

37 CFR 3.73(b).

Claims 1, 5-8, 10, 28, 32 and 35-38 are rejected under the judicially created

doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5,

10-12, 14 and 22-24of U.S. Patent Application No. 10/005582. Although the conflicting

claims are not identical, they are not patentably distinct from each other.

With regard to similarities between the current application and application No.

10/005582, in claims 1, 5, 10-12, 14 and 22-24, a printing system and method are

claimed in U.S. Patent Application No. 10/005582.

Claim 1 of current application:

In claim 1 (10/005582) there is a document processing system having a

document processing subsystem in which a job, **(Lin 1-2)** including a set data and a job

control ticket, is processed each time the job, along with the job control ticket, is

submitted to the document processing system, a job control system comprising: **(Lin 3-**

5)

a master job control ticket for controlling a manner in which the job is processed

for multiple alternative renderings of the same image data in both a first job processing

event and a second job processing event; **(Lin 11-16)** and

a first job control ticket with a first set of attributes, the first job control ticket

controlling a manner in which the job is to be processed in the first job processing event,

(Lin 6-8) and (b) program a second job control ticket with a second set of attributes, the

second job control ticket controlling a manner in which the job is to be processed in the

second job processing event; **(Lin 9-11)** and

a linking program, for linking the first and second job control tickets to the master

job control ticket **(Lin 11-16)** wherein a single submission **(Lin 17)** of the job comprises

a submission of the set of image data with the master job control ticket and causes the

job to be processed as the first and second job processing events, **(Lin 18-21)** wherein

the master job control ticket has user selectable global attributes and user selectable

individual ticket attributes within the master job control ticket, the global attributes

comprising properties affecting the tickets under the master job control ticket and the

individual attributes comprising properties affecting only a selected ticket, and wherein

the linking of the global and individual ticket attributes enables the processing of the first

and second job processing events based on the same set of image data with the single

submission of the job. **(Lin 11-16)**

With regard to differences between the current application and application No.

10/005582, in claim 1 of the current application an input source including a user

interface with a display is specified. This limitation is not claimed in application No

10/005582. However it would have been obvious to include this limitation in order to

allow the users to provide selected attributes as specified in claim 1 of application No.

10/005582. **(Lin 11-12)** Furthermore, claim 1 of application No. 10/005582, while

specifying a document processing system with at least one document processing

subsystem, **(Lin 1-1)** is directed toward a method comprising a number of steps while

claim 1 in the current application is directed toward components of a system. However,

it would have been obvious to include a master job control ticket, an input source that

allows the programming of the first and second job processing events, and a linking

program as specified in claim 1 of the current application, in the application of

10/005582. The suggestion/motivation for doing so would have been to allow the

method of claim 1 (10/005582, programming first and second job control tickets, and

then linking them to a master job control ticket) to be realized by providing a system and

corresponding components to carry out the steps.

Claim 5 of current application:

In claims 1 and 10 (10/005582) it claims:

a first set of one or more image processing operations **(Claim 1 specifies**

multiple renderings) is performed on a copy of the set of image data in the first job

processing event and a second set of one or more image processing operations is

performed on a copy of the set of image data in the second job processing event.

(Claim 10 Lin 1-5)

Claim 6 of current application:

In claims 1 and 11 (10/005582) it claims:

wherein a first set of make-ready operations is performed on a copy of the set of

image data in the first job processing event and a second set of make-ready operations

is performed on a copy of the set of images in the second job processing event. **(Claim**

11 Lin 1-4)

Claim 7 of current application:

In claims 1 and 5 (10/005582) it claims:

an editing operation is performed on at least one of the first and second job

control tickets. **(Claim 5 Lin 1-2)**

Claim 8 of current application:

In claims 1 and 12 (10/005582) it claims:

the first and second job control tickets are configured so that the first set of

attributes includes at least one attribute corresponding with a first type of offline finishing

and/or the second set of attributes includes at least one attribute corresponding with a second type of offline finishing. **(Claim 12 Lin 1-5)**

Claim 10 of current application:

In claims 1 and 14 (10/005582) it claims:

the master job ticket includes first and second user selectable portions corresponding respectively with the first and second job control tickets, wherein the first user selectable portion is selected and the second user selectable portion is not selected, the job is processed in accordance with the first job processing event with the first job control ticket and not in the second job processing event in accordance with the second job control ticket. **(Claim 14 Lin 1-6)**

Claim 28 of current application:

Please see rejection of claim 1 above. Additionally, claim 28 includes the limitation of a memory. **(Line 5)** However, this limitation is inherent in view of the fact claim 1 specifies a document processing system. **(Lin 1-2)** A memory is an integral and common component in a document processing system as specified in claim 1 of application No 10/005582.

Claim 32 of current application:

In claims 22-24 (10/005582) it claims a system corresponding to the method of claim 1:

wherein one of the first and second printers comprises a xerographic printer. **(Claim 24 Lin 1-2)**

Regarding claims 35-38 of the current application, please see the rejections

of claims 28 and 5-8 above, respectively.

Therefore, claims 1, 5-8, 10, 28, 32 and 35-38 of the current application are not

patentably distinct from the claims mentioned above in U.S. Patent Application No.

10/005582.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8, 10-11 and 28-38 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Patent No 6,509,974 to Hansen, in view of US Patent Application

Publication No 2003/0103237 to Han.

Regarding claim 1, Hansen discloses a document processing system **(Fig 1a-1b**

and Fig 2) having a document processing subsystem **(Fig 1b #122)** in which a job,

including a set of image data and a job control ticket, **(Fig 4 discloses documents to**

be printed in a job ticket to be sent to the processing subsystem) is processed

each time the job, along with the job control ticket, is submitted to the document

processing system, **(Fig 5, Col 2 Lin 20-22)** a job control system comprising:

a master job control ticket for controlling a manner in which jobs are processed in

both a first job processing event and a second job processing event; **(Fig 4 discloses**

that the ticket includes Books, and that each Book can consist of multiple

documents, i.e. Book 1 and Document 2 and 3, and that a Book can also contain

global attributes relating to output of all the documents within the Book, i.e. Print

Settings B2 and individual attributes for a single document within a Book, i.e.

Print Settings D6) and

an input source including a user interface with a display, **(Fig 1a, the client PC,**

Fig 4, Col 11 Lin 64—Col 12 Lin 30) the user interface being used to (a) program a

first job control ticket with a first set of attributes, **(Fig 4 Print Settings D6 for**

Document 6) the first job control ticket controlling a manner in which the job is to be

processed in the first job processing event, and (b) program a second job control ticket

with a second set of attributes, **(It is understood based on the disclosure of Print**

Settings D6 that the same settings can be made for other documents in Fig 4,

such as Documents 2 or 3, or even an additional document under the print

settings B2 for example) the second job control ticket controlling a manner in which

the job is to be processed in the second job processing event; **(Col 15 Lin 7-28)** and

a linking program, for linking the first and second job control tickets to the master

job control ticket **(as shown in Fig 4, Documents are linked (drop down) to a master**

control ticket such as shown with Document 6 and Book 2) wherein a single

submission of the job **(Fig 4 #428)** comprises a submission of the set of image data with

the master job control ticket and causes the job to be processed as the first and second

job processing events, **(Col 15 Lin 44-46 discloses the compound print job will be**

sent to the printing device(s)) wherein the master job control ticket has user

selectable global attributes **(i.e. Print Settings B2)** and user selectable individual ticket

attributes within the master job control ticket, **(i.e. Print Settings D6)** the global

attributes comprising properties affecting the tickets under the master job control ticket

(Print Settings B2 affect all the documents within the book) and the individual

attributes comprising properties affecting only a selected ticket, **(Print Settings D6**

affect only Document 6) and wherein the linking of the global and individual ticket

attributes enables the processing of the first and second job processing events with the

single submission of the job. **(Fig 4 #428, Col 15 Lin 44-46)**

Although Hansen discloses creating a compound document for processing and

assembly, he does not expressly disclose there are multiple alternative renderings of

the same set of image data. However, Han discloses a printing system **(Fig 1-3)**

including a user interface **(Fig 4-6)** where a user can program a job mode so that the

system outputs the same set of image/print data in two alternative renderings, **(The**

disclosure specifies entering attributes relating to printing medium to be used

(paper and transparency) and number of copies of each) and further that the two

alternative renderings only require one job submission. **(Para [0014])**

At the time of the invention it would have been obvious to one of ordinary skill in

the art to process the same set of image data as specified in Han by using the ticket

format including global attributes and individual attributes as specified in Hansen, so

that a set of image data can be output at multiple printers in alternative renderings.

The suggestion/motivation for doing so would have been provide a set of image

data in different renderings to be used in different modes, for example presentation

mode (Overhead Projector) and paper mode, while not having to submit the same print

job twice. **(Han Para [0013])**

Therefore it would have been obvious to combine the Hansen and Han

References in order to obtain the invention as specified in claim 1.

Regarding claim 2, the combination further discloses in Hansen the job control

system of claim 1, wherein the document processing subsystem includes first and

second printers communicatively coupled with a network, and wherein a first copy of the

image data is processed at the printer with the first job control ticket and a second copy

of the image data is processed at the second printer with the second job control ticket.

(Fig 1b discloses multiple printers, Col 7 Lin 1-10)

Regarding claim 3, the combination further discloses in Hansen the job control

system of claim 1, wherein the document processing subsystem includes an image

capture device. **(A scanner is shown in Fig 1a, Fig 2, Fig 6 and discussed in Col 2**

Lin 30, Col 4 line 41, Col 9 Lin 32 and 40)

Regarding claim 4, the combination further discloses in Hansen the job control

system of claim 3, wherein a file is generated from the image data set with said image

capture device by reference to one of the first and second job control tickets **(a print job**

file with a ticket and print image data from the scanner is generated at the job

preparation station 116 [Fig 1] by accepting image data from the scanner and

preparing a print file by editing the image data and attaching a print ticket [thus

referencing a job ticket in order to generate the print job file], and then the job file

is stored in the library, Col 4 Lin 40-60 and Col 5 Lin 63-37), and where the file is

transmitted across the network to memory **(scanned in copies stored in the document library 118 for document management and job preparation, in the case of Fig la over the network from the station 116 to the library (mislabeled as 114); Col 5 Lin 63-67).**

Regarding claim 5, the combination further discloses in Han the job control system of claim 1, wherein a first set of one or more image processing operations is performed on a copy of the set of image data in the first job processing event and a second set of one or more image processing operations is performed on a copy of the set of image data in the second job processing event. **(Para [0033-0034], Transparency Mode and Normal Mode)**

Regarding claim 6, the combination further discloses in Hansen the job control system of claim 1, wherein a first set of make-ready operations is performed on a copy of the set of image data in the first job processing event **(Col 5 Lin 15-32, Col 7 line 8, Col 19 Lin 54-57, wherein the entire print job [for example Book 2 of Fig 4], including master ticket and individual page tickets is made ready for whatever specific printing of each is needed into a printer ready format)** and a second set of make-ready operations is performed on a copy of the set of images in the second job processing event. **(The conversion to a printer ready format would inherently be different between two different pages with two different page tickets due to different image data and output settings, such as page 2 and 4 of Book 2, for example if one page was black and white the other color, the system would have**

different operations for preparing them for printing, especially in the case where

the job is being prepared for printing across multiple printers as shown in Fig 7)

Regarding claim 7, the combination further discloses in Hansen the job control

system of claim 1, wherein an editing operation is performed on at least one of the first

and second job control tickets. **(Fig 4, Col 15 Lin 7-13 discloses how a user can edit**

attributes within the ticket.)

Regarding claim 8, the combination further discloses in Hansen the job control

system of claim 1, wherein the first and second job control tickets are configured so that

the first set of attributes includes at least one attribute corresponding with a first type of

offline finishing and/or the second set of attributes includes at least one attribute

corresponding with a second type of offline finishing. **(Fig 1b XYZ Offline Finishing**

Device is available according to set off-line attributes as disclosed in Fig 4.)

Regarding claim 10, the combination further discloses in Hansen the job control

system of claim 1, wherein the master job ticket includes first and second user

selectable portions corresponding respectively with the first and second job control

tickets, **(Fig 4, Document 6 and further additional Document Settings as discussed**

in the rejection of claim 1 above.) wherein the first user selectable portion is selected

and the second user selectable portion is not selected, **(Col 15 Lin 7-28 discloses**

such options as moving or deleting tickets and associating or dissociating

tickets, books and documents to be printed. This disclosure allows a user to

delete a document from the ticket, so that only a first job processing event occurs

while the second job processing event does not occur.) the job is processed in

accordance with the first job-processing event with the first job control ticket and not in

the second job-processing event in accordance with the second job control ticket. **(Col**

15 Lin 44-49 the selected documents that are part of the compound document are

output.)

Regarding claim 11, the combination further discloses in Hansen the job control

system of claim 1, wherein the master job control ticket includes a third user selectable

portion corresponded with a global instruction **(Global Instructions for the job are set**

as well, such as collate, stacking etc, see #438 of Fig 4) so that when the first,

second and third user selectable portions are selected, the global instruction is used to

process the job in each of the first job processing event and the second job processing

event. **(If all have been selected, the output job includes all of the job processing**

attributes in both document tickets and the master ticker.)

Regarding claim 28, please see rejection of claim 1. Additionally the combination

specified in claim 1 discloses client computer workstations, **(Hansen Fig 1a "Client**

PC") and it is well known in the art that these workstations comprise a **memory** for

storing documents for files to be printed. The remainders of the elements in claim 28

were addressed in the rejection of claim 1.

Regarding claim 29, the combination further discloses in Hansen, the document

processing system of claim 28, wherein the data structure is embedded in the page

description language of a file or a document. **(Col 4 Lin 23-38 discloses how the**

workstations at the photo shop are configured to receive documents or files, over

a network, i.e. from a client PC as disclosed in Fig 1a, in a printer ready format,

such as PDL shown in Fig 2)

Regarding claim 30, the combination further discloses in Hansen, the document

processing system of claim 28, in which the document processing subsystem

communicates with said memory by way of a network, wherein the document

processing subsystem is separated from said memory by the network. **(Tonkin Fig 1**

#50 and #70 and Hansen Col 4 Lin 26-29)

Regarding claims 31 and 33-38, please see rejection of claims 2 and 3-8

respectively above.

Regarding claim 32, the combination further discloses in Hansen, the document

processing system of claim 31, wherein one of the first and second printers comprises a

xerographic printer. **(Digimaster 9110 of output devices 122 is at least one**

example, Fig 1b and Fig 2; Col 7 Lin 50-56)

Response to Arguments

Applicant's arguments with respect to claims 1-8, 10-11 and 28-38 have been

considered but are moot in view of the new ground(s) of rejection.

The combination of Hansen and Han has been found to read on the claim

limitations as specified in the rejection above. More specifically Hansen discloses the

structure of submitting print data allowing a user to set global and individual print

attributes according to the desired output. Han discloses multiple alternative renderings

of the same set of print data and further provides motivation for setting the multiple

renderings and only submitting the job once.

Furthermore, applicant's response that the previous double patenting rejection will be addressed depending on the scope of the allowed claims is noted, but examiner has included the double patenting rejection in the current Office Action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No 6,393,231 to Okawa et al.
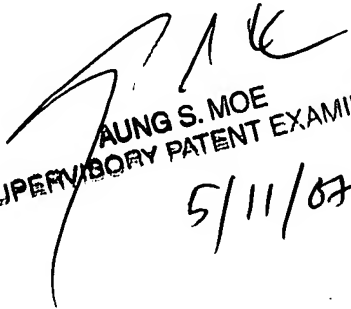
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob P. Rohwer whose telephone number is 571-272-5509. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jacob P Rohwer
Assistant Examiner
Art Unit 2625

***

AUNG S. MOE
SUPERVISORY PATENT EXAMINER
5/11/07